

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION (stamp) NO.24766 OF 2018
IN
FIRST APPEAL (STAMP) NO.28446 OF 2017**

Smt. Ratna Prashant Dhongade and
Ors.

...Applicants

Versus

Reliance General Insurance Company
Ltd. & Ors.

...Respondents

.....

Mr. Nikhil Mehta I/b. M/s. KMC Legal Venture for the Applicants in CAF/4133/2017, CAF/4134/2017 and for the Appellants in FAST/28446/2017 and for the Respondent in CAFST/24766/2018.

Mr. Bhushan U. Deshmukh for the Respondent Nos.1 to 4 in FAST/28446/2017 and for the Applicant in CAFST/24766/2018.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd FEBRUARY, 2019.

P.C.:-

By this application, the Applicant has sought to withdraw the compensation deposited by the Respondent-No.1-Insurance company pursuant to the judgment and award dated dated 30th May, 2017 passed by the learned Member, M.A.C.T., Malegaon, in M.A.C.T. Application No.105 of 2013.

2. By the impugned judgment and award the learned Judge, M.A.C.T., Malegaon has awarded compensation of Rs.20,10,000/- with

interest @ 7% per annum from the date of filing of the petition till its realization. The learned Member of the Claims Tribunal has ordered that out of the said amount compensation of Rs.7,60,000/- be paid to the Claimant No.1-widow, amount of Rs.7,50,000/- be paid to the Claimant No.2-minor child and compensation of Rs.2,50,000/- each to the Claimant Nos.3 and 4, who are parents of the deceased. Since the Applicant No.2, is a minor, keeping her interest in mind, I am not inclined to allow withdrawal of the amount awarded in favour of the Applicant No.2.

3. Considering the grounds raised in the appeal, 50% of the respective shares of the compensation awarded in favour of the Applicant Nos.1, 3 and 4 is ordered to be paid to the Applicant Nos.1,3 and 4 alongwith proportionate interest accrued thereon.

4. The statutory deposit of Rs.25,000/-, which has been deposited before this Court be transferred to the M.A.C.T., Malegaon. The learned Member, M.A.C.T., Malegaon, to invest balance amount of compensation including the statutory deposit in any nationalised Bank until further orders.

5. It is made clear that the payment is subject to the final outcome of the appeal. The Applicant shall file an undertaking before the Tribunal that he will abide by the final order that may be passed in the appeal.

6. The civil application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)